

REMARKS

Claims 1-14 are pending in the present application. Claims 1 and 10 have been amended. The amendments do not add new matter and find support throughout the Specification and Figures.

Claims 1-7 and 9-14 stand rejected under 35 U.S.C. § 102(b). Claim 8 stands rejected under 35 U.S.C. § 103(a). It is respectfully submitted that all of the presently pending claims are allowable for at least the following reasons. Reconsideration is respectfully requested.

35 U.S.C. § 102(b)

Claims 1-7, 9, 10, and 12-14 stand rejected under 35 U.S.C. § 102(b) as being anticipated by United States Patent No. 5,561,742 to Terada et al. (the Terada reference). It is respectfully submitted that the Terada reference does not anticipate the aforementioned claims, for at least the following reasons.

To reject a claim under 35 U.S.C. § 102, the Office must demonstrate that **each and every claim limitation is identically disclosed** in a single prior art reference. (See Scripps Clinic & Research Foundation v. Genentech, Inc., 18 U.S.P.Q.2d 1001, 1010 (Fed. Cir. 1991)). "The identical invention must be shown in as complete detail as is contained in the claim." M.P.E.P. § 2131. Applicants respectfully submit that the Terada reference does not disclose each and every element of the claimed invention.

Claim 1 relates to a control unit for a system having a plurality of activatable modules. As an initial matter, it is unclear upon which elements of the Terada reference the Examiner relies with respect to Applicants' recited "modules." Clarification is requested.

In any event, the recited control unit includes, inter alia, "a second storage device for storing state information regarding the modules, the state information indicating which of the modules are currently activated." As regards this feature of claim 1, the Examiner relies on col. 7, lines 53-60 of the Terada reference. Respectfully, this does not describe *state information indicating which of the modules are currently activated*. Assuming, for example, the Examiner relies upon the robots as Applicant's recited "activatable modules," this passage of the Terada reference does not describe that the stored information indicates which of the robots are currently activated. This passage of the Terada reference merely describes determining current spatial regions of robots.

Additionally, claim 1 recites "a scheduler for activating at least one of the modules and determining as a function of the information stored in the first storage device and the state information stored in the second storage device whether the mutual interference occurs if an additional module is activated, wherein the scheduler prevents a simultaneous activation of modules that interfere with each other." As regards this feature of claim 1, the Examiner relies on col. 2, lines 42-53 and Fig. 5. Respectfully, this section does not describe activating a module based on, among other things, state information stored in a second storage device which indicates which of the modules are currently activated. This section describes that data regarding the spatial region of each robot is stored. If the spatial regions cross (i.e., if the robots will physically interfere with one another), one of the robots is stopped until the spatial regions no longer cross. Again, assuming the Examiner relies on the robots with respect to Applicant's recited "modules," it is submitted that one robot is not activated based on *state information indicating which robots are currently activated*. A robot is stopped based on whether or not spatial regions will cross.

The Terada reference does not disclose at least Applicant's recited second storage device and scheduler. For at least this reason, the Terada reference does not anticipate claim 1.

Claims 2-7 and 9 depend from claim 1 and are therefore allowable for at least the same reasons as claim 1 is allowable.

Additionally, claim 2 recites the additional feature that the system includes one of a motor vehicle, an engine, and a transmission. The Terada reference does not disclose, or even suggest, that the system includes one of a motor vehicle, an engine, and a transmission, as recited in claim 2. The Office Action asserts that this feature is disclosed by a reference to a motor. (Office Action, page 4, sec. 4; citing Terada, col. 6, line 44). However, the cited section of the Terada reference refers to a servo motor. It is respectfully submitted that a servo motor does not disclose, or even suggest, a motor vehicle, and therefore for at least this additional reason claim 2 is allowable.

Claim 10 relates to a method of operating a control unit of a system, and includes similar features as claim 1. For at least the reasons discussed above in connection with claim 1, the Terada reference also does not anticipate claim 10..

As regards claim 11, as noted above with respect to claim 2, the Terada reference does not disclose, or even suggest, that the system includes one of a motor vehicle, an engine, and a

Appl. No. 09/118,234

Reply to Office Action of January 29, 2004

transmission. Therefore, the Terada reference does not anticipate the subject matter of claim 11.

Claims 12-14 depend from claim 10 and are therefore allowable for at least the same reasons as claim 10 is allowable.

It is therefore respectfully requested that the rejection of claims 1-7, and 9-14 under 35 U.S.C. § 102(b) based on the Terada reference be withdrawn.

35 U.S.C. § 103(a)

Claim 8 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over the Terada reference. Applicants respectfully submit that claim 8 is in condition for allowance for at least the following reasons.

In order for a claim to be rejected for obviousness under 35 U.S.C. § 103(a), not only must the prior art **teach or suggest each element of the claim**, but the prior art must also **suggest combining the elements in the manner contemplated by the claim**. See Northern Telecom, Inc. v. Datapoint Corp., 908 F.2d 931, 934 (Fed. Cir. 1990), cert. denied, 111 S. Ct. 296 (1990); In re Bond, 910 F.2d 831, 834 (Fed. Cir. 1990). The Examiner bears the initial burden of establishing a *prima facie* case of obviousness. M.P.E.P. §2142. To establish a *prima facie* case of obviousness, the Examiner must show, *inter alia*, that there is some **suggestion or motivation**, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, **to modify or combine the references** and that, when so modified or combined, the prior art **teaches or suggests all of the claim limitations**. M.P.E.P. §2143. Applicants respectfully submit that these criteria for obviousness are not met here.

Claim 8 depends from claim 1. Accordingly, the arguments presented above in connection with claim 1 and the Terada reference apply equally to claim 8.

Additionally, although the Examiner admits that the Terada reference does not teach that each one of the first storage device and the second storage device includes one of a plurality of tables and a plurality of matrices, the Examiner asserts that this feature is well known in the art. (Office Action, page 6, sec. 11). However, this type of conclusory reasoning for the modification of the applied references is insufficient to sustain an obviousness rejection. The Terada reference relates to robot controllers. The Terada reference gives no suggestion of the usefulness of modifying the methods discussed therein by

Appl. No. 09/118,234

Reply to Office Action of January 29, 2004

including tables and/or matrices in the storage devices, as recited in claim 8. The only motivation to modify the reference comes from the disclosure of the Applicants, which constitutes improper hindsight reasoning. Since there is no motivation or suggestion to modify the reference, the reference does not render the subject matter of claim 8 obvious.

It is therefore respectfully requested that the rejection of claim 8 under 35 U.S.C. § 103(a) based on the Terada reference be withdrawn.

CONCLUSION

Applicants respectfully submit that all of the pending claims of the present application are now in condition for allowance. Prompt reconsideration and allowance of the present application are therefore earnestly solicited.

Respectfully submitted,

Dated: 25 May 2004

By: [Signature]
Richard L. Mayer
Reg. No. 22,490

KENYON & KENYON
One Broadway
New York, New York 10004
(212) 425-7200

CUSTOMER NO. 26646